

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08CV197-01-MU

GIL SIZEMORE,

Plaintiffs,

v.

MARK DAVIS, et al.,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court for an initial review of Plaintiffs' Complaint pursuant to 42 U.S.C. § 1983, filed April 30, 2008.

Federal law requires that a Plaintiff in a civil action pay a filing fee in the amount of \$350.00, plus service fees and other costs. A plaintiff who cannot pay the filing fee may submit an in forma pauperis application in conjunction with the filing of his Complaint. The plaintiff in the instant case has not submitted an in forma pauperis application or paid the three-hundred and fifty dollar filing fee. Consequently, the Court will dismiss Plaintiff's Complaint without prejudice.

**IT IS THEREFORE ORDERED THAT:**

1. The Plaintiff's Complaint is **DISMISSED without prejudice**; and
2. The Clerk is directed to send Plaintiff a § 1983 Complaint form and an in forma pauperis application form.

Signed: May 6, 2008



Graham C. Mullen  
United States District Judge



